

09/554386<sup>#3</sup>**Express Mail" Mailing Label No. EL541612289US .****PATENT**  
Docket No. H 3190 PCT/US**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re:**      Application of  
                 Bernd Fabry

Serial No. 09/554,386	Examiner:
Filed: 07/19/00	Art Unit:
PCT/EP98/07057	
International Filing Date: November 5, 1998	
Priority Date Claimed: November 14, 1997	
TITLE: USE OF SELECTED PHYTOSTENOL ESTERS FOR PRODUCING HYPOCHOLESTERAEMIC PREPARATIONS	

**TRANSMITTAL OF DECLARATION**  
**UNDER 37 CFR SECTION 1.494/5(c)**Commissioner for Patents  
Box PCT  
Washington, D.C. 20231Attn: John Anderson  
DO/EO/US

Sir:

No original declaration or oath was filed earlier herein. Accordingly, enclosed is the original declaration or oath for this application.

Please charge our Deposit Account No. 50-1177 in the amount of \$130.00 as prescribed by 37 CFR 1.492(e) for the surcharge and processing fee for filing a declaration on a date later than 20/30 months after the priority date of the application. A triplicate of this sheet is enclosed along with an executed declaration. **Order No. 00-0419**. Authorization is also granted to charge any deficiency to Deposit Account 50-1177.

Respectfully submitted,

July 19, 2000  
(Date)

Aaron R. Ettelman  
Aaron R. Ettelman  
(Reg. No. 42,516)  
Attorney for Applicant  
(610) 278-4930

Cognis Corporation, Patent Dept.  
2500 Renaissance Blvd., Suite 200  
Gulph Mills, PA 19406

ARE/ras

09/554386



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

#3

U.S. APPLICATION NO. 09/554,386	FARRY	FIRST NAMED APPLICANT	B	ATTY. DOCKET NO. 190	PCT/U
------------------------------------	-------	-----------------------	---	----------------------	-------

*See Am (notice) - 7/20/00*  
*be* 5611

COGNIS CORPORATION  
LAW DEPARTMENT  
2500 RENAISSANCE BOULEVARD  
SUITE 200  
GULPH MILLS PA 19406

INTERNATIONAL APPLICATION NO.  
PCT/EP98/07057

I.A. FILING DATE PRIORITY DATE

DATE MAILED: 11/05/98 11/14/97  
06/20/00

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ A Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☒ a non-English language.

☐ English.

☒ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed May 15, 2000 and \_\_\_\_\_

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☒ Other: 306

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed:

☒ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

*John Anderson*  
Telephone: 703 308-9116

RECEIVED HENKEL LAW DEPT

ACTION INFO *cas*

REC'D JUN 22 2000

DUE

FILE H 3190 PCT/U